

## **REMARKS**

Applicant respectfully requests reconsideration of the present application. At the time the Examiner mailed the Office Action claims 28-35 and 37-44 were pending. By way of the present response, Applicant has amended claims 28-30 and 43 in order to more particularly point out and distinctly claim the subject matter which Applicant regards as the invention. Claims 29-30 and 43 in particular have been amended to provide consistent antecedent basis. No claims have been cancelled. New claims 55-58 have been added. As such, claims 28-35, 37-44 and 55-58 are now pending. No new matter has been added.

### **Rejection under 35 U.S.C. § 102**

Claims 28-35 and 37-44 were rejected under 35 U.S.C. 102(e) as being anticipated by Lowe et al. (US 6,709,667, hereinafter “*Lowe*”).

Applicant has amended independent claim 28 to require, *inter alia*, “at least one coil disposed along the catheter body and encircling the lumen, wherein the coil is disposed nearer the distal end of the catheter body than the proximal end of the catheter body and extends along the distal portion and the proximal portion.” Support for the amendment is found in at least paragraph [0046] and FIG. 4 of the original application. Applicant has additionally amended the format of independent claim 28 to more particularly point out and distinctly claim that the elongate tubular catheter body has the at least one lumen. Support for the amendment is found in independent claim 28 as originally filed. Accordingly, Applicant respectfully submits that *Lowe* does not disclose each and every element of the invention as claimed in amended claims 28-35 and 37-44.

In view of the amended format of independent claim 28, Applicant respectfully submits that the Examiner's rejections do not logically follow Applicant's arrangement as is taught and claimed in amended independent claim 28. As a first matter, the Examiner combines the sheath 14 and release catheter 16 of *Lowe* as one "elongate tubular catheter body" and refers to a "distal portion" of an "elongate tubular catheter body" in figure 1 without specifically pointing to a particular feature. As a second matter, the Examiner refers to the "lumen" as being the threaded portion of the "deployment member" 18. In view of the amended format of independent claim 18, it is clear that the "elongate tubular catheter body" and "deployment member" are separate elements. Accordingly, Applicant respectfully submits that cited Figures 1, 1B, 3 and 11H, and the related text in *Lowe* do not disclose "at least one coil disposed along the catheter body and encircling the lumen, wherein the coil is disposed nearer the distal end of the catheter body than the proximal end of the catheter body and extends along the distal portion and the proximal portion" as is taught and claimed by Applicant in amended claims 28-35 and 37-44.

With regard to FIG. 20 and the related text in col. 18, line 57 – col. 19 of *Lowe*, it is Applicant's understanding that *Lowe* discloses an outer sheath 214 which may be used in place of outer sheath 14 in the system discussed above. A distal portion of the sheath 214 may include a 5 cm long inner tube 218, a 1 cm long outer tube 220 of carbothane<sup>TM</sup> 73A polymer, a 4 cm long intermediate outer tube 224 of polyurethane, and a 4 cm long ribbon coil 222. Accordingly, the distal portion of the outer sheath 214 is 5 cm long, and the 4 cm long ribbon coil 222 does not extend into the proximal portion 216 of the outer sheath 214. Accordingly, Applicant respectfully submits that FIG. 20 and the related text in *Lowe* do not disclose "at least one coil disposed along the catheter body and encircling the lumen, wherein the coil is disposed nearer the distal end of the catheter body than the proximal end of the catheter body and extends along the

distal portion and the proximal portion” as is taught and claimed by Applicant in amended claims 28-35 and 37-44.

Therefore, Applicant respectfully submits that the invention taught and claimed in amended claims 28-35 and 37-44 is not anticipated by *Lowe* under 35 U.S.C. § 102(e) and Applicant respectfully requests the withdrawal of the rejections of claims 28-35 and 37-44.

### **New Claims**

New claim 55 requires a hydrophilic coating formed over the distal portion. New claim 56 requires the distal portion has varying degrees of flexibility determined by constraining the coil with a layer having varying durometer ratings. New claim 57 requires the lumen extends through the proximal portion and distal portion, and the lumen includes a tapered region where the lumen extends through the proximal portion. New claim 58 requires the proximal portion further comprises a visualization marker where the proximal portion joins the distal portion.

Applicant respectfully submits that new claims 55-58 are patentable for at least the reasons provided above with regard to claims 28-35 and 37-44.

In view of the foregoing amendments and remarks, Applicant respectfully submits that the pending claims are in condition for allowance.

Please charge any shortages and credit any overages to Deposit Account No. 02-2666. Any necessary extension of time for response not already requested is hereby requested. Please charge any corresponding fee to Deposit Account No. 02-2666.

Respectfully submitted,

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